United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Authorization to Discharge under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Fish Processors associated with Aquaculture Facilities in Idaho

which are described in Part I of this general National Pollutant Discharge Elimination System (NPDES) permit are authorized to discharge to waters of the United States, in accordance with discharge points, effluent limitations, monitoring requirements and other conditions set forth herein.

A copy of this General Permit shall be kept at the facility where discharges occur.

This permit shall become effective ***insert date***

This permit and the authorization to discharge shall expire at midnight, ***insert date***

Each permittee shall reapply for a reauthorization to discharge on or before ***insert date***, 180 days before the expiration of this permit, if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this _____day of _____, _____,

Draft
Michael F. Gearheard, Director
Office of Water and Watersheds

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Draft Permit

Schedule of Submissions

The following is a summary of some of the items which the permittee must complete and/or submit to the U.S. Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMRs)	DMRs are due monthly and must be postmarked by the 10th day of the following month.
2. Quality Assurance Plan (QA Plan)	The permittee must develop and implement a QA Plan within 60 days of coverage under this permit (see Part II.G.). The Plan must be kept on site and made available to EPA and IDEQ upon request. The permittee must submit a certification that the QA Plan has been developed and implemented to EPA and IDEQ within 90 days of the effective date of this permit. A new permittee must submit the certification with the Notice of Intent (NOI) to be covered under this permit.
3. Best Management Practices (BMP) Plan	An existing permittee must submit a certification that the BMP Plan has been developed and implemented to EPA and IDEQ within 90 days of the effective date of this permit (see Part III.C.). A new permittee must submit the certification with the NOI to be covered under this permit.
4. Submittal of a Notice of Intent (NOI)	The NOI to be covered under the next permit must be submitted by ***<180 days before the expiration date of this permit>*** (see Part I.C.).
5. Receiving Water Monitoring Report	The Receiving Water Monitoring Report must be submitted with the DMR for the month in which the monitoring is conducted. (see Part II.E.).
6. Sediment Monitoring Report	The Sediment Monitoring Report must be submitted with the DMR for the first month of the second year of coverage under this permit. (see Part II.F.)
7. Annual Report	The Annual Report must be submitted by January 20th each year (see Part IV.D).

I. Permit Coverage

A. Facilities Authorized to Discharge under this Permit

The following facilities are authorized to discharge to receiving waters of the United States, after obtaining authorization under the provisions of Part I.C:

> Fish processors in Idaho which are associated with aquaculture facilities, also known as confined aquatic animal production facilities, (as defined at 40 CFR Part 122, Appendix C).

B. New Sources

New aquaculture facilities that are constructed after September 22, 2004, are *new sources*, as defined in 40 CFR §§122.2, and 122.29. A facility is a "new source" if (1) the facility is constructed at a site where no other facility is located, (2) the facility totally replaces the process or production equipment that causes the discharge of pollutants at the existing facility, or (3) the facility processes are substantially independent of an existing facility at the same site. See 40 CFR §122.29(b) and (c).

The new source facility must prepare and submit an Environmental Information Document to EPA. This document needs to address the potential environmental effects of the new source discharge to the receiving environment. New sources may be required to apply for an individual permit.

C. Obtaining Authorization to Discharge under this General Permit

1. Where to Submit the Notice of Intent (NOI)

An owner or operator of a facility seeking authorization to discharge under this permit must submit an NOI to be covered under this permit to EPA at the address below; for permittees who submitted an NOI in 2004, see § I.C.3.a, below. A copy of the NOI must also be sent to the appropriate regional office of the Idaho Department of Environmental Quality (IDEQ):

Submittal addresses:

U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, OWW-130
Seattle, WA 98101
206-553-0523

Idaho Department of Environmental Quality
Regional Manager – Water Quality
Twin Falls Regional Office
1363 Fillmore Avenue
Twin Falls, Idaho 83301
208-736-2190

2. Contents of Notice of Intent

The information required to complete an NOI is listed in Appendix A of this permit. The NOI must be signed by the permittee in accordance with Part VII.E of this permit (Signatory Requirements); a copy must be retained on site in accordance with Part V.F. of the permit. (Retention of Records)

3. Deadlines for Submitting the Notice of Intent (NOI)

   a) Existing Permittees under the 1999 General Permit

   The existing permittees with extended coverage under the 1999 General Permit submitted NOIs between January 1, 2004, and September 27, 2004, and do not need to submit new NOIs after the effective date of this permit. If the information on the 2004 NOI has changed, the permittee must submit an updated NOI within 45 days after the effective date of this permit.

   b) Permittees continuing discharge beyond the expiration date of this permit

   A permittee who intends to continue discharging to waters of the U.S. after the expiration date of this permit must submit an NOI at least 180 days prior to the expiration date in accordance with Part VII.B. Under all circumstances, even if the facility is no longer operating, a permittee must have coverage under an NPDES permit until it has properly disposed of wastewater or solids that were generated at the facility, collected in a holding pond or settling basin, or held in storage. If the facility is no longer operating but is still discharging when the permit is due to expire, the permittee must reapply for coverage.

4. When the Permittee Is Authorized to Discharge

   a) An existing permittee who submitted an NOI between January 1, 2004, and September 27, 2004, shall be authorized to discharge under this permit as of the effective date of this permit as long as the facility is processing fish on the effective date of this permit. A list of these is in Appendix B.

   b) Any processor who submitted an NOI between January 1, 2004, and September 27, 2004, but whose facility was not processing fish on the effective date of this permit, is not authorized to discharge until EPA notifies the processor, in writing, that coverage has been granted. The processor must submit a revised NOI and notification of impending start-up at least 45 days before the projected date of initial discharge.

D. Notification of Coverage

EPA may notify a discharger that it is covered by this general permit, even if the discharger has not submitted an NOI (40 CFR §122.28(b)(2)(vi)).

E. Requirement to Apply for Individual Permit

1. EPA may require any discharger requesting coverage under this general permit to apply for and to obtain an individual NPDES permit in accordance with 40 CFR §122.28(b)(3)(i). Cases where an individual NPDES permit may be required include, but are not limited to, those where the single discharge is alone or with others a significant contributor of pollution; where the permittee is not in compliance with the terms and conditions of the general permit; or where a Total Maximum Daily Load (TMDL) has been completed for a waterbody or a segment of a waterbody.

2. Any permittee authorized by this general permit may request to be excluded from the

coverage of the general permit by applying for an individual permit. The permittee shall submit an individual permit application with reasons supporting the request to EPA no later than 90 days after the publication by EPA of the general permit in the Federal Register.

F. Termination or Inactivation of *Authorization to discharge*

Under all circumstances, a permittee must be covered under this permit until it has properly disposed of wastewater or solids that were generated at the facility, collected in a holding pond or settling basin, or held in storage, at least until the facility is no longer discharging to waters of the United States. If the facility still has wastewater or solids on site when the permit is due to expire, the permittee must reapply for coverage. If a permittee whose authorization to discharge has been terminated or inactivated under §§1 or 2 below wants to resume operation, it must request authorization in writing from EPA and IDEQ at least 45 days before resumption of operation.

1. Permanent Termination of Authorization to discharge

   Authorization to discharge under this permit is *terminated* when EPA receives a permittee's notification in writing of cessation of operation. The permittee must also submit the notification to IDEQ.

2. Temporary Shutdown of production activities

   Authorization to discharge is *inactivated* when EPA receives a permittee's notification in writing of temporary shutdown of operation. The permittee must also submit the notification to IDEQ.

II. Limitations and Monitoring Requirements

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfall(s) specified in its NOI within the limits and subject to the conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the NOI. It does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permittee's NOI nor does it authorize the discharge of any pollutants that are not ordinarily present in such waste streams.

A. Effluent Limitations

The permittee must limit discharges from all outfalls authorized under this permit as specified in Table 1, below. All limits represent maximum effluent limits, unless otherwise indicated. The permittee must comply with the effluent limits in the table at all times, unless otherwise indicated, regardless of the frequency of monitoring required in Table 2, below, or reporting required by Part V.B, below.

Pollutant Trading. A permittee authorized to discharge under this permit may engage in phosphorus trading. See Appendix C for details about the requirements for purchasing and selling pollutant credits and reporting such trades to EPA and IDEQ.

Table 1
Effluent Limitations for Fish Processors

Facility Name	Permit Number	Parameter	Limitations	
			Average Monthly	Maximum Daily
Clear Lakes Trout Co. (Middle Hatchery & Processing)	IDG130011	BOD_5 *(lbs/day)*	27.2	54.4
		TSS *(lbs/day)*	27.2	54.4
		TP *(lbs/day)*	2.1	6.1
		Oil & Grease *(lbs/day)*	14.5	29.0
		TRC *(mg/l)*	0.011	0.019 [1]
		pH *(s.u.)*	--	6.5 – 9.0
Clear Springs Foods Processing	IDG130125	BOD_5 *(lbs/day)*	180.5	361.0
		TSS *(lbs/day)*	150.0	361.0
		TP *(lbs/day)*	11.8	21.5
		Oil & Grease *(lbs/day)*	96.0	192.0
		TRC *(mg/l)*	0.011	0.019 [1]
		pH *(s.u)*	--	6.5 – 9.0
Rainbow Trout Farms	IDG130028	BOD_5 *(lbs/day)*	20.3	40.6
		TSS *(lbs/day)*	20.3	40.6
		TP *(lbs/day)*	2.5	5.0
		Oil & Grease *(lbs/day)*	10.8	21.6
		TRC *(mg/l)*	0.011	0.019 [1]
		pH *(s.u)*	--	6.5 – 9.0

Table 1
Effluent Limitations for Fish Processors

Facility Name	Permit Number	Parameter	Limitations	
			Average Monthly	Maximum Daily
SeaPac of Idaho	IDG130046	BOD_5 *(lbs/day)*	44.0	88.0
		TSS *(lbs/day)*	44.0	88.0
		TP *(lbs/day)*	4.5	12.7
		Oil & Grease *(lbs/day)*	23.4	46.8
		TRC *(mg/l)*	0.011	0.019 [1]
		pH *(s.u)*	--	6.5 – 9.0

[1] Reporting is required within 24 hours of violating this maximum daily limit; see § V.G.

B. Prohibited Discharges

Discharges from fish processing facilities must not cause or contribute to a violation of an Idaho State Water Quality Standard.

1. The permittee must not discharge to waters of the U.S.:

   a) Any floating solids or visible foam in other than trace amounts on the surface of the receiving water;

   b) Any hazardous materials;

   c) Any sludge, grit and accumulated solid residues;

   d) Any untreated cleaning wastewater (e.g., obtained from a vacuum or standpipe bottom drain system or rearing/holding unit disinfection);

   e) Any floating, suspended or submerged matter, including dead fish, in amounts causing nuisance or objectionable condition or that may impair designated beneficial uses in the receiving water; and/or

   f) Any toxic substances, including drugs, pesticides, or other chemicals, in concentrations that impair designated uses.

C. Prohibited Practices

The permittee is prohibited from engaging in any of the following practices:

1. Practices that allow accumulated solids in excess of the limits to be discharged to waters of the United States (*e.g.*, the removal of dam boards in ponds, the cleaning of settling basins, etc.);

2. Sweeping, raking, or otherwise intentionally discharging accumulated solids from holding ponds to waters of the United States.

D. Facility Monitoring Requirements

1. The permittee must monitor discharges from all outfalls authorized under this permit as specified in Table 2, below. Facilities with multiple effluent discharge points points must composite samples from all points proportionally to their respective flows. Only the composite sample must be analyzed.

2. The permittee must collect effluent samples from the effluent stream just prior to discharge into the receiving waters or subsequent mixing with other water flows.

3. Method Detection Limits (MDL)

a) The permittee must use methods that can achieve MDLs less than or equal to those specified in Table 4 (Part II.E.).

b) For purposes of reporting on the Discharge Monitoring Reports (DMRs), if a value is greater than the MDL, the permittee must report the actual value. If an effluent value is less than the MDL, the permittee must report "less than {numeric MDL}" on the DMR. See Appendix D (Effluent Calculations).

Table 2
Fish Processor Discharges
Monitoring Requirements

Parameter	Units	Sample Frequency	Sample Type	Sample Location
Flow	cfs	1/month[2]	Approved method[3]	Effluent
Total Suspended Solids	lbs/day	1/month	Composite[4]	Effluent
Total Phosphorus	lbs/day	1/month	Composite[4]	Effluent
Biochemical oxygen demand (BOD_5)	lbs/day	1/month	Composite[4]	Effluent
Oil and grease	lbs/day	1/month	Grab	Effluent
pH	s.u.	1/month	Grab	Effluent
Ammonia	mg/l	1/month	Composite[4]	Effluent
Total residual chlorine[5]	μg/l	1/month	Grab	Effluent
Temperature	°C	1/month	Grab	Effluent

See notes on next page

[2] Flow measurement must be taken concurrently with pollutant sampling.

[3] Flow measurement method must be one of those specified in Appendix E, § I.A, unless IDWR authorizes a non-standard device as allowed in § I.B. This requirement applies to measuring flow at each point where pollutants are measured. The flow must be multiplied by the duration of flow to obtain the daily discharge volume.

[4] Composite samples must consist of four (4) or more discrete samples taken at one-half hour intervals or greater over a 24-hour period. Facilities with multiple effluent discharge points must composite samples from all points proportionally to their respective flows. Only the composite sample must be analyzed.

[5] Chlorine monitoring is required only when chlorine disinfection is in use. Non-detects must be reported no higher than 0.1 mg/l; this does not relieve the permittee of the obligation to comply with the lower limits.

E. Receiving Water Monitoring

1. All permittees must monitor for those parameters listed in Table 3 quarterly, both upstream and downstream, a short distance from the outfall but outside any zone of partial mixing. See Table 3. This requirement applies whether or not the facility is discharging.

2. All receiving water samples must be grab samples and must be collected concurrently with effluent samples.

3. All receiving water samples must be analyzed for the parameters listed in Table 3 to achieve method detection limits (MDLs) that are equivalent to or less than those listed in Table 4. The permittee may request different MDLs if its results have consistently been above the required MDLs. Such a request must be in writing and must be approved by EPA before the permittee may use the revised MDLs.

Table 3
Receiving Water Monitoring Requirements

Parameter	Units
Ammonia Nitrogen as N	mg/l
pH	standard units
Temperature	^{o}C.
Total Phosphorus	mg/l

Table 4: Method Detection Limits	
Parameter	**Method Detection Limit (MDL)**
Phosphorus	0.005 mg/l
Total Suspended Solids	2 mg/l
Ammonia Nitrogen as N	0.01 mg/l
Total Residual Chlorine	0.1 mg/l
pH	0.1 S.U.
Temperature	0.1 ^{o}C

4. Receiving water monitoring results must be submitted to EPA with copies to IDEQ with the DMRs for the month when the monitoring is conducted. The report must include all information required in Part V.E. and a summary and evaluation of the analytical results.

5. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Part II.G (Quality Assurance Plan).

F. Monitoring of Polychlorinated Biphenyls (PCBs)

Facilities that have painted surfaces or caulking in holding ponds are required to conduct the following sampling, analysis, reporting, and, if warranted, investigation.

1. Sediment Monitoring -- The permittee must take a sediment sample downstream of the facility's outfall from painted or caulked holding ponds and analyze for PCBs as Aroclors once during the first year of coverage under the permit. The sediment sample must be a composite of at least three samples each of which is collected from the nearest depositional area downstream of the outfall.

2. PCB Reporting – The permittee must submit results of the PCB analysis of the sediment sampling along with a description of the location of sampling and a justification for the choice of location with the DMR due the first month of the second year of coverage under this permit.

a) If the sediment results show any Aroclor (PCB) higher than 34 μg/kg dry weight, the permittee must investigate the source of PCBs in its facility; this investigation should include fish feed, and paint and caulking in holding ponds.

b) A report on the required investigation of PCBs in the facility must be submitted to EPA and IDEQ by 18 months after the first day of coverage under this permit. See Part V.B. for details on submitting reports.

G. Quality Assurance (QA) Plan

The permittee must develop a quality assurance plan (QA Plan) for all monitoring required by this permit. The plan must be developed and implemented within 60 days of coverage under this permit. Any existing QA Plans may be modified to meet this requirement. A permittee must certify that a QA Plan has been developed and is being implemented and must submit the certification, which includes the information specified in Appendix F, to EPA and to the responsible IDEQ office within 90 days of the effective date of this permit. Submittal addresses for EPA and IDEQ are set forth in §I.C.1, above. A new permittee must submit the certification with the written NOI to be covered under this permit.

1. The QA Plan must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.

2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5)[1] and Guidance for Quality Assurance Project Plans (EPA/QA/G-5)[2]. The QA Plan must be prepared in the format that is specified in these documents.

3. At a minimum, the QA Plan must include the following:

   a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantification limits for each parameter, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements (See Part V.A.-F. for additional requirements regarding monitoring);

   b) Description of flow measuring devices used to measure effluent flow at each point, calibration procedures, and calculations used to convert to flow units. Facilities with multiple effluent discharge points points must describe their method of compositing samples from all points proportionally to their respective flows;

   c) Maps indicating the location of each sampling point;

   d) Qualification and training of personnel; and

   e) Name, address and telephone number of the laboratory used by or proposed to be used by the permittee.

4. The permittee must amend the QA Plan whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QA Plan and must update it whenever there is a change in ownership or operator.

5. Copies of the QA Plan must be kept on site and made available to EPA and IDEQ upon request.

[1] http://www.epa.gov/quality/qs-docs/r5-final.pdf
[2] http://www.epa.gov/quality/qs-docs/g5-final.pdf

III. Best Management Practices Plan

A. Purpose

Through implementation of the best management practices (BMP) plan, the permittee must prevent or minimize the generation and discharge of wastes and pollutants from the facility to the waters of the United States and ensure disposal or land application of wastes in such a way as to minimize negative environmental impact and comply with relevant Idaho solid waste disposal regulations.

B. Development and Implementation Deadline

The permittee must develop and implement a BMP Plan which meets the specific requirements listed in Part III.E. An existing BMP Plan may be modified for use under this section. The permittee must implement the provisions of the BMP Plan as conditions of this permit within 90 days of authorization to discharge under this permit.

C. Certification

A permittee must certify that a BMP Plan has been developed and is being implemented. The certification must be submitted to EPA and the responsible IDEQ office (*see* §I.C.1, above, for addresses) and must include the information specified in Appendix F. An existing permittee must submit the certification within 90 days of the effective date of this permit.

D. Annual Review

1. The permittee must review the BMP Plan annually.

2. A certified statement that the annual review has been completed and that the BMP Plan fulfills the requirements set forth in this permit must be submitted to EPA in the Annual Report of Operations, due by January 20 each year. See Appendix G.

E. Requirements of the BMP Plan

The BMP Plan must include, at a minimum, the following BMPs:

1. Chemical Storage:

   a) Ensure proper storage of drugs and other chemicals to prevent spills that may result in the discharge to waters of the United States.

   b) Implement procedures for properly containing, cleaning, and disposing of any spilled materials.

2. Structural Maintenance:

   a) Routinely inspect the processing plant for structural integrity, including holding units, waste collection, containment, and treatment systems, to identify and promptly repair damage which could cause a discharge to waters of the U.S.

   b) Regularly conduct maintenance of the processing plant, including holding units, waste collection, containment, and treatment systems, to ensure their proper function.

3. Training Requirements:

   a) Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials.

   b) Train personnel on proper structural inspection and maintenance.

4. Operational Requirements:

   a) Water used in the holding units or hauling trucks that is disinfected with chlorine or other chemicals must be treated before it is discharged to waters of the U.S.

   b) Treatment equipment used to control the discharge of floating, suspended or submerged matter must be cleaned and maintained at a frequency sufficient to prevent overflow or bypass of the treatment unit by floating, suspended, or submerged matter.

   c) Procedures must be implemented to prevent fish from entering waste treatment basins. Fish that have entered such basins must be removed as soon as practicable.

   d) All chemicals must be used in accordance with applicable label directions (*e.g.*, FIFRA or FDA labels).

   e) Identify and implement procedures to collect, store, and dispose of wastes, such as biological wastes, in accordance with IDAPA §02.04.17 and IDAPA §58.01.02. Such wastes include processing solid wastes.

F. Documentation

The permittee must maintain a copy of the BMP Plan at the facility and make it available to EPA, IDEQ, or an authorized representative upon request.

G. BMP Plan Modification

1. The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface waters. With any change in operator, the BMP plan must be reviewed and modified, if necessary. The new operator must submit a certification in accordance with Part III.C., above.

IV. Aquaculture Specific Reporting Requirements

(See Part V for standard reporting requirements)

A. Structural failure or damage to the facility

Failure or damage to the facility must be reported to EPA and IDEQ orally within 24 hours and in writing within five days when there is a resulting discharge of pollutants to waters of the U.S. Reports must include the identity and quantity of pollutants released. (See Noncompliance Reporting in Part V.G)

B. Chemical Spills

The permittee must monitor and report to EPA and IDEQ any spills that result in a discharge to waters of the United States; these must be reported orally within 24 hours and in writing within five days. Reports must include the identity and quantity of pollutants released. (See Representative Sampling and Noncompliance Reporting in Part V.A. and G.)

C. Annual Report of Operations

During the term of this permit, the permittee must prepare and submit an annual report of operations by January 20th of each year to EPA and IDEQ. A copy of the annual report and the data used to compile it must be available to EPA and IDEQ upon request and during inspections. The report must include the information specified in Appendix G.

V. Standard Monitoring, Recording and Reporting Requirements

A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements must be representative of the volume and nature of the monitored discharge or source water.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part II.A. ("Effluent Limitations") that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with Part V.C. ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with Part V.D. ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 10th day of the following month. The permittee must sign and certify all DMRs and all other reports, in accordance with the requirements of Part VII.E. ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the EPA Region 10 Director, Office of Compliance and Enforcement, at the address below with copies to IDEQ at the appropriate address listed in §I.C.1, above:

US EPA Region 10
Attn: PCS Data Entry Team
1200 Sixth Avenue, OCE-133
Seattle, Washington 98101

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR §136.5.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA or IDEQ, the permittee must submit results of any other sampling, regardless of the test method used.

E. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the Notice of Intent for this permit, for a period of at least five years from the date of the sample, measurement, report or Notice of Intent submittal. This period may be extended by request of EPA or IDEQ at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of the permit must be maintained on site during the duration of activity at the permitted location.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone to EPA (206-553-1846), and to IDEQ at the phone numbers listed in §I.C.1, above, as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances (for noncompliance that endangers listed Snake River snail species, a permittee also must report within 24 hours to the U.S. Fish and Wildlife Service at 208-378-5243):

    a) any discharge to the receiving water not authorized under this permit;

b) any noncompliance that may endanger health, the environment or listed Snake River snail species;

c) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part VI.F., "Bypass of Treatment Facilities");

d) any upset that exceeds any effluent limitation in the permit (See Part VI.G., "Upset Conditions"); or

e) any violation of a maximum daily discharge limitations for specific pollutants noted in Table 1 of Part II.A.

2. For incidents involving releases of hazardous or deleterious chemicals to the environment, the permittee must contact the Idaho State Communications Center (StateComm) at 1-800-632-8000 as soon as possible.

3. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under §V.G.1, above. The written submission must contain:

a) description of the noncompliance and its cause;

b) the period of noncompliance, including exact dates and times;

c) the estimated time noncompliance is expected to continue if it has not been corrected; and

d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, 206-553-1846.

5. Reports must be submitted to the addresses in Part V.B ("Reporting of Monitoring Results"). Reports on noncompliance that endangers listed Snake River snail species must be sent also to the U.S. Fish and Wildlife Service, Snake River Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709.

H. Other Noncompliance Reporting

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part V.B ("Reporting of Monitoring Results") are submitted. The report must contain the information listed in §V.G.3 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

VI. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for termination of the authorization to discharge, or for denial of coverage after submittal of a Notice of Intent.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $32,500 per day for each violation).

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $32,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $157,500).

3. Criminal Penalties:

a) Negligent Violations. The Act provides that any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a

second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

c) Knowing Endangerment. Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and

maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of §§ 2 and 3 of this Part.

2. Notice.

a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior notice, if possible at least 10 days before the date of the bypass.

b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part V.G ("Twenty-four Hour Notice of Noncompliance Reporting").

3. Prohibition of bypass.

a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement or IDEQ may take enforcement action against the permittee for a bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under §VI.F.2, above.

b) The Director of the Office of Compliance and Enforcement and IDEQ may approve an anticipated bypass, after considering its adverse effects, if the Director and IDEQ determine that it will meet the three conditions listed above in §VI.F.3.a.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of §2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed,

contemporaneous operating logs, or other relevant evidence that:

a) An upset occurred and that the permittee can identify the cause(s) of the upset;

b) The permitted facility was at the time being properly operated;

c) The permittee submitted notice of the upset as required under Part V.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and

d) The permittee complied with any remedial measures required under Part VI.D, "Duty to Mitigate."

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

1. The permittee must give notice as soon as possible to the Director of the Office of Water and Watersheds and to IDEQ, as specified in §I.C.1, of any planned physical alterations or additions to the permitted facility whenever:

a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or

b) The alteration or addition, including production changes, could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

2. A permittee must submit to IDEQ all plans and specifications for the construction, modification, expansion, or alteration of waste treatment or disposal facilities for review and approval before construction may begin (Idaho Code §39-118).

J. Anticipated Noncompliance

The permittee must give advance notice to the Director of the Office of Compliance and Enforcement and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

VII. General Provisions

A. Permit Actions

This permit or coverage under this permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Duty to Reapply

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit a Notice of Intent. In accordance with 40 CFR §122.21(d), the permittee must submit a new Notice of Intent at least 180 days before the expiration date of this permit, unless the Regional Administrator has granted permission to submit the Notice of Intent at a later date. If the NOI is received by that deadline, even if the permit is not reissued before the expiration date, the conditions of the permit will continue in force until the effective date of the subsequently reissued permit. If the facility is no longer operating but still has a potential to discharge when the permit is due to expire, the permittee must reapply for coverage.

C. Duty to Provide Information

The permittee must furnish to EPA and IDEQ, within the time specified in the request, any information that EPA or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or IDEQ, upon request, copies of records required to be kept by this permit.

D. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent, or that it submitted incorrect information in a Notice of Intent or any report to EPA or IDEQ, it must promptly submit the omitted facts or corrected information.

E. Signatory Requirements

All Notices of Intent, reports or information submitted to EPA and IDEQ must be signed and certified as follows.

1. All Notices of Intent must be signed by the permittee as follows:

   a) For a corporation: by a responsible corporate officer.

   b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

   c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by EPA or IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a) The authorization is made in writing by a person described above;

b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and IDEQ.

3. Changes to authorization. If an authorization under §VII.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of §VII.E.2 must be submitted to the Director of the Office of Compliance and Enforcement and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under the provisions of VII.E. must make the following certification:

> *"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

F. Availability of Reports

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, Notices of Intent, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. Inspection and Entry

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; IDEQ; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

Authorization to discharge under this permit may be automatically transferred to a new permittee on the date specified in the agreement only if:

1. The current permittee notifies the Director of the Office of Water and Watersheds at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility and liability between them; and

3. The Director does not notify the existing and new permittees of the intent to revoke and reissue the authorization to discharge.

J. Permit reopener and modification.

EPA is authorized to modify or revoke and reissue a permit pursuant to 40 CFR §122.62. Effluent limits, monitoring requirements or other permit conditions may be modified if new information is received which was not available at the time of issuance and would have justified the application of different permit conditions at the time of issuance (e.g. information showing violations of state water quality standards). This includes information indicating cumulative effects which are unacceptable. New information may originate from future waste load allocations and biological opinions issued pursuant to the Endangered Species Act.

K. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

VIII. Definitions

1. "Act" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "Aquaculture facility" means a hatchery, fish farm, or other facility which contains, grows, or holds fish for later harvest (or process) and sale or for release for conservation enhancement purposes.
4. "Average monthly limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
5. "Beneficial use" means any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. (IDAPA §58.01.003.04).
6. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
7. "Biosolids" means waste material from an aquaculture facility, primarily fish manure and uneaten feed.
8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
9. "CFR" means Code of Federal Regulations.
10. "cfs" means cubic feet per second.
11. "cold water aquatic animals" include, but are not limited to, the *Salmonidae* family of fish: e.g., trout and salmon.
12. "compliance schedule" means a schedule of remedial measures included in a permit (or authorization to discharge), including an enforceable sequence of interim requirements (for example, actions, operation, or milestone events) leading to compliance with the CWA and regulations. (40 CFR §122.2)
13. "composite" sample means a combination of four (4) or more discrete samples taken at one-half hour intervals or greater over a 24-hour period. Facilities with multiple effluent discharge points points must composite samples from all points proportionally to their respective flows.

14. "CWA" means Clean Water Act, 33 U.S.C. §1251 *et seq.*
15. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
16. "Deleterious material" means any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (IDAPA §58.01.02.003.23)
17. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
18. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
19. "DMR" means discharge monitoring report, the EPA uniform national form, including any subsequent modifications, for the reporting of self-monitoring results by permittees.
20. "EPA" means the United States Environmental Protection Agency.
21. "Environmental assessment (EA)" consists of a brief discussion of the following: the need for the proposal; alternatives (when there is an unresolved conflict concerning alternative uses of available resources); the environmental impacts of the proposed action and alternatives; and a listing of agencies and persons consulted.
22. "Environmental impact statement (EIS)" consists of discussions of the purpose of and need for the action, alternatives, the affected environment, the environmental consequences of the proposed action, lists of preparers, agencies, organizations and persons to whom the statement is sent, an index, and an appendix (if any).
23. "Extralabel drug use" means a drug approved under the Federal Food, Drug, and Cosmetic Act that is not used in accordance with the approved label directions, see 21 CFR Part 530.
24. "FDA" means Food and Drug Administration.
25. "FIFRA" means Federal Insecticide, Fungicide, and Rodenticide Act.
26. "Finding of No Significant Impact (FNSI or FONSI)" is a document issued by a federal agency, such as EPA, if an environmental assessment finds that a proposed action will have no significant impact (FONSI). The FONSI may address measures which an agency will take to reduce (mitigate) potentially significant impacts.
27. "General permit" means an NPDES permit issued under 40 CFR §122.28 authorizing a category of discharges under the CWA within a geographical area.
28. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.

29. “Hazardous material” means a material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, public health, or the environment. [IDAPA 58.01.02.003.49]
30. “IDAPA” means Idaho Administrative Procedure Act; the acronym refers to the compilation of promulgated administrative rules in Idaho.
31. “IDEQ” means the Idaho Department of Environmental Quality.
32. “Maximum daily limitation” means the highest allowable “daily discharge.”
33. “Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
34. “Minimum Level (ML)” means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.
35. “Monthly average”—see “average monthly limitation”.
36. “NOI” means Notice of Intent, the request or application by a discharger to be authorized to discharge under a general NPDES permit.
37. “NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under Sections 307, 402, 318, and 405 of the CWA.
38. “New source” means a facility from which there is or may be a pollutant discharge, the construction of which commenced after September 22, 2004. [40 CFR §122.2].
39. “Nuisance” means anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (IDAPA 58.01.02.003.73)
40. “Off-line settling basin” means a constructed retention basin that receives wastewater from cleaning of other aquaculture facility rearing/holding units or quiescent zones, or both, for the retention and treatment of the wastewater through settling of solids.
41. “Permittee” means the operator who has substantial control over the day-to-day operations of the facility; when a facility or activity is owned by one person but is operated by another person, it is the operator’s duty to obtain a permit [40 CFR §122.21(b)].
42. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.))*, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
43. “Pond” means an earthen-bottomed rearing/holding unit for fish production.

44. "Production" means the amount of fish grown and fed in a given period of time for harvest, processing, or release.
45. "QA Plan" means quality assurance plan.
46. "QA/QC" means quality assurance/quality control.
47. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
48. "s.u." means Standard Units (a measure of pH).
49. "solids" means sand, silt, or other debris collected from facility intake or source waters, and accumulated waste material from aquaculture raceways and their quiescent zones, offline settling basins, full-flow settling basins, ponds, or other areas of the accumulation.
50. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
51. "TMDL" means Total Maximum Daily Load, which is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background.
52. "TP" means Total Phosphorus.
53. "TSS" means Total Suspended Solids.
54. "Technology-based effluent limitation" means wastewater treatment requirements under Section 301(b) of the CWA that represent the minimum level of control that shall be imposed in a permit issued under Section 402 of the CWA. (IDAPA 58.01.02.003.117)
55. "U.S.C." means United States Code.
56. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
57. "WLA" means Wasteload Allocation, which is the portion of a receiving water's load capacity that is allocated to one of its existing or future point sources of pollution. (IDAPA 58.01.02.003.129)
58. "Waters of the United States (or waters of the U.S.)" means
    a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
    b) All interstate waters, including interstate wetlands;

c) All other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands”, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

   (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

   (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

   (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;

d) All impoundments of waters otherwise defined as waters of the United States under this definition;

e) Tributaries of waters identified in §§ (a) through (d) of this definition;

f) The territorial sea; and

g) “Wetlands” adjacent to water (other than waters that are themselves wetlands) identified in §§ (a) through (f) of this definition. (40 CFR §122.2)

Appendix A

Notice of Intent

Contents

Notice Of Intent (NOI) To Operate Under NPDES General Permit #IDG132000 for FISH PROCESSING FACILITIES in Idaho

Submission of this document constitutes notice that the party identified under Operator Name intends to be covered by the general permit authorizing discharges from fish processing facilities in Idaho and obligates the operator (permittee) to comply with the terms and conditions of the permit.

Facility Owner/Operator Information

Operator's Name (Permittee):	**Phone:**
Address:	**Fax:**
	E-Mail Address:
Owner's Name:	**Phone:**
Address:	**Fax:**
	E-Mail Address:

Facility Information

Facility Name:	**Phone:**
Address:	**Fax**
	E-Mail Address:
	County:
Facility Manager (or Contact) and Address:	**Phone:**
	Fax:
	E-Mail
Facility Latitude ***(New Permittees Only)*** (to the closest 15 seconds)**:**	**Facility Longitude** ***(New Permittees Only)*** (to the closest 15 seconds)**:**
NPDES Permit No:	**IDA License Number:** (include a copy of the license)

Other Permit Numbers(s) Assigned to Facility & Source:

Date of Facility was first operated: _____

Operations & Production Information

Total Number of outfalls:_____ Number of laboratory outfalls: _____
Number of other outfalls (explain)_____
Number of fish processing lines:_____

Project the number of operating days for the facility on a monthly basis throughout the calendar year:

Month	**01**	**02**	**03**	**04**	**05**	**06**	**07**	**08**	**09**	**10**	**11**	**12**
# of Days												

Amount of Fish Processed

List the species of fish processed at your facility. For each species, include projected weight in pounds processed for the five year term of the permit, based upon historical operations, planned changes, and/or design capacity.

Species:	**Year One**	**Year Two**	**Year Three**	**Year Four**	**Year Five**

Disinfectants & Other Chemicals

List all projected chemicals & maximum daily amounts expected to be used in next 5 years.

Units

Name:_____ Maximum daily amount to be used:_____
Method of application:_____ Maximum amount in effluent_____

Name:_____ Maximum daily amount to be used:_____
Method of application:_____ Maximum amount in effluent_____

Name:_____ Maximum daily amount to be used:_____
Method of application:_____ Maximum amount in effluent_____

Name:_____ Maximum daily amount to be used:_____
Method of application:_____ Maximum amount in effluent_____

Description of Discharge

Provide a drawing of your operation on the back of this sheet, or attach a separate sheet.
Show all outfalls & monitoring locations.
Include <u>all</u> waste stream discharges (e.g. tailraces, settling basins, laboratories)

Attach map

Include an area map based upon a map of the US Geologic Survey (USGS) with a scale of at least 1:24,000.
Show water sources, points of influent to and discharge from the facility.
Water sources should include water right numbers.

Name(s) of Receiving Water to which Facility Discharges:_____
Has a wasteload allocation for discharged pollutants been assigned to this facility?_____ Yes _____No _____Not Sure
If so, which TMDL or watershed plan provides your wasteload allocation? _____
What is the pollutant allocated? _____ and amount allocated? _____

Name of Larger Stream/River Downstream:_____

Water Sources & flow through the facility & Time Period			
For each source, indicate minimum & maximum flow and the period in which that source contributes the flow (e.g., 12 cfs minimum, & 15 cfs maximum between June 15 & September 30 in a typical year from "True Springs")			
Primary Source:	**Min Flow:**	**Max Flow:**	**Period:**
Secondary Source:	**Min Flow:**	**Max Flow:**	**Period:**

Signature & Certification by authorized representative for permittee *(see Section VII.E of the Permit):*

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure the qualified personnel properly gather and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:	***Title/Company:***	
Print Name:	***Date:***	***Check One:*** *Owner* _____ *Operator* _____

Appendix B

Authorized Dischargers who submitted

Notices of Intent

Between

January 1 and September 27, 2004

Authorized Dischargers who submitted Notices of Intent between January 1 and September 27, 2004

NPDES Permit #	Facility Name	Operator Name	Name of Receiving Streams	County
IDG130011	Middle Hatchery and Processing Center	Clear Lakes Trout Co	Clear Lakes	Gooding
IDG130028	Rainbow Trout Farms (Filer)	Rainbow Trout Farms, Inc (Filer)	Cedar Draw	Twin Falls
IDG130046	SeaPac of Idaho	SeaPac of Idaho, Inc.	East Coulee	Twin Falls
IDG130125	Clear Springs Food Processing Plant	Clear Springs Foods, Inc.	Clear Lake	Gooding

Appendix C

Upper Snake Rock Watershed

Pollutant Trading

Pollutant Trading
In The
Upper Snake Rock Subbasin

Aquaculture and fish processing facilities in the Upper Snake Rock Watershed whose wastewater discharge is authorized under this permit are eligible to trade total phosphorus credits with other eligible facilities, including the City of Twin Falls, pursuant to the requirements in Idaho's Water Quality Pollutant Trading Guidance 2003, or the most recent version if updated; Upper Snake Rock Watershed Management Plan, Modification, August 2005; and the conditions contained within this general permit. In order to qualify to trade phosphorus credits, the outfall for the purchasing facility must be downstream of the outfall for the selling facility. In addition, no permittee may buy credits that increase its average monthly discharge above its applicable technology-based total phosphorus limit.

I. How to Buy Credits for Pollutant Trading

A facility may purchase available phosphorus credits (in lbs/day for a specified month) from an upstream facility using the Trade Tracking System operated by the Idaho Clean Water Cooperative to officially record the credit transaction. Acquiring such credits allows the facility to adjust the amount of its reported average monthly phosphorus discharge for that month by subtracting the amount of purchased credits from its actual discharge amount. The purchased credits are used to modify the effective average monthly phosphorus discharge rather than increase the limit because the EPA's tracking system does not allow credit transactions to adjust a permit limit. The seller's effective discharge is increased for that month by adding the credit amount to its reported average monthly phosphorus discharge so that its adjusted discharge is higher, but no higher than its average monthly limit.

II. Timing of Pollutant Trade

Credits can only be traded for the calendar month in which the credit was generated (when the seller decreased its discharge of phosphorus below its average monthly limit to establish the amount of the credit). If a credit is transferred to a qualified aquaculture facility, the resulting decrease in the buying facility's reported average monthly phosphorus discharge is applicable only during the month associated with the credit. The purchase of phosphorus credits affects only the average monthly limit and does not affect the facility's maximum daily phosphorus limit.

III. Procedure for Transferring Credits

To create a valid transfer of a credit, the authorized buyer and seller must complete a Trade Notification Form, available from the Idaho Clean Water Cooperative. The buyer must submit it to the Cooperative by the last day of the month following the generation of the credit. The Cooperative records the trade in the accounts for the buyer and seller in accordance with the information reported on the Trade Notification Form.

IV. Reporting Pollutant Trades to EPA and IDEQ

The permittee shall submit to EPA (with copies to IDEQ) a phosphorus-specific discharge monitoring report (DMR) and the Trade Summary Report provided by the Idaho Clean Water Cooperative. The Trade Summary Report will provide (A) the permittee's actual average monthly phosphorus discharge; (B) the total amount of credits (in lbs/day) bought, if any; (C) the total amount of credits (in lbs/day) sold, if any; and (D) the permittee's "adjusted discharge", which is equal to A – B + C. The Permittee shall record both (A) and (D) on the DMR.

All DMRs must be submitted in accordance with Section V.B. of the permit. The phosphorus-specific DMR which reports a trade provides the actual phosphorus and "adjusted discharge" and must be submitted by the 10th day of the second month following sampling.

If a Trade Notification Form is provided by the buyer and seller but the credits are not available for transfer to the buyer, then the trade is not recorded in the Trade Tracking System and the buyer is subject to noncompliance penalties for any actual discharge over its permit limit. The amount of credits that are available for purchase is not the responsibility of EPA. Compliance with the permittee's effluent limit shall only be affected by credits that have been validly transferred by the last day of the month following the generation of the credit.

V. Recordkeeping System

No trade is valid unless it is recorded through the Trade Tracking System operated by the Idaho Clean Water Cooperative (or alternatively, IDEQ). The Idaho Clean Water Cooperative records all trades and generates a monthly summary report of all trades valid for each calendar month. The Trade Notification Form must be submitted to the Cooperative by the last day of the month following the generation of the credit in order for it to be recorded in the Trade Tracking System in time to be reported in the monthly Trade Summary Report and submitted with DMR postmarked by the 10th of the second month following the generation of the credit.

Appendix D

Effluent Calculations

Guidance on Calculating Effluent Values

1. Calculating "Net" Effluent Values

a. **Pollutant Concentrations** for TSS and Total Phosphorus are measured at both influent and effluent monitoring locations. The net concentration is the difference between the two measurements and can either be positive or negative since the pollutant load may either increase or decrease as the water passes through the facility. It is calculated as follows:

Effluent concentration (mg/l) -- influent concentration (mg/) =

Net concentration (mg/l)

2. Conversion from concentration to mass values:

The following calculations are conducted separately for **raceway discharges** and for **off-line settling basins** (if applicable). The two results are added together to yield the total loading discharged from the facility; see *step d*, below.

a. Pollutant levels are measured in terms of concentration, usually in milligrams/liter (mg/l). If they are reported in micrograms /liter (µg/l), divide by 1000 to get the result in mg/l.

$$\frac{1\ \mu g}{liter} \times \frac{1\ mg}{1000 \mu g} = 0.001\ mg/l$$

Therefore: **µg/l / 1000 = mg/l**

b. Flow is usually measured in cubic feet per second (cfs) or gallons per minute (gpm). If it is measured in gpm, divide by 448.8 to convert to cfs.

$$\frac{1\ gallon}{minute} \times \frac{1\ minute}{60\ seconds} \times \frac{1\ cu.\ ft.}{7.48\ gals} = 1/448.8\ cfs$$

Therefore: **gpm / 448.8 = cfs**

c. Load (in pounds/day) is calculated using the concentration and flow measurements for the day of pollutant sampling:

$$\frac{1\ mg}{l} \times \frac{28.3\ liters}{cu.\ ft} \times \frac{cu.\ ft.}{sec.} \times \frac{86400\ secs}{day} \times \frac{2.2\ lbs}{1{,}000{,}000\ mg} = lbs/day$$

Therefore: **mg/l × cfs × 5.4 = lbs/day**

d. Total facility loading (in pounds/day) is calculated by adding the loading from the raceways and the loading from the off-line settling basins.

Raceway loading (lbs/day) + OLSB loading (lbs/day) = Total facility loading (lbs/day)

3. DMR Reporting

a. Values greater than the MDL: the permittee must report the actual value.

b. Influent or effluent value less than the MDL: the permittee must report "less than {numeric MDL}" on the DMR, but use one-half the MDL when calculating the net value.

c. Both influent and effluent values less than the MDL: the permittee must report zero on the DMR, and use this for calculating monthly averages.

Appendix E

Flow Measurement Methods

Approved by

Idaho Department of Water Resources

Flow Measurement Methods
Approved by Idaho Department of Water Resources[1]

The source and means of diversion of water, whether surface or ground water, generally determines the measurement and reporting process. Surface water sources such as streams, springs and waste channels are normally diverted into open channels (ditches or canals), but closed conduits (pipes or culverts) are also used. Ground water is usually diverted into pipes (which may also discharge into open channels).

Measuring devices are required at or near the point of diversion form the public water source.

SURFACE WATER DIVERSIONS

I. Flow Measurement

The following discussion is applicable only to diversions from surface water sources. Measurement of a ground water diversion with an open channel measuring device must be pre-approved by the Department.

A. Standard Open Channel Measuring Devices

All open channel flow diversions should be measured using one of the following standard open channel flow measuring devices commonly used in Idaho:

- contracted rectangular weir
- suppressed rectangular weir
- cipolletti weir
- 90 degree V-notch weir
- ramped broad crested weir (or ramped flume)
- parshall flume
- trapezoidal flume
- submerged rectangular orifice
- constant head orifice

Construction and installation of these devices should follow published guidelines. References are available upon request.

B. Non-standard open channel devices: Rated Structures or Rated Sections

IDWR may authorize the use of non-standard devices and rated sections provided the device or section is rated or calibrated against a set of flow measurements using an acceptable open channel current meter or a standard portable measuring device. Further restrictions and requirements are available from the Department upon request.

C. Closed conduit measuring devices

Refer to the Ground Water measuring section for installation, accuracy, and calibration standards of closed conduit measuring devices.

II. Reporting

All surface water measuring devices, rated structures and rated sections should be read and readings recorded at least once per week, and more frequently if necessary. IDWR will accept the assumption of constant flow rates between readings if flow rates are continuous and reasonable constant. Forms will be provided for recording dates, stage (or water levels) and flow rates.

Users with diversions located within water districts may report their diversions individually to IDWR or provide for the water district water master to report their diversions in acceptable annual water distribution reports. Ground water diversions are not normally included in a water district, and must be reported individually.

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[1] ***Excerpt From***: State of Idaho Department of Water Resources (IDWR). Minimum Acceptable Standards for Measurement and Reporting of Surface and Ground Water Diversions.

Appendix F

Quality Assurance Plan

and

Best Management Practices Plan

Certification

Idaho Aquaculture

Best Management Practices Plan

(BMP Plan)

Certification

Facility Name:_____

NPDES Permit Number:_____

The BMP Plan is complete and is available upon request to EPA and IDEQ.

The BMP Plan is being implemented by trained employees.

The BMP Plan has been reviewed and endorsed by the facility manager.

The individuals responsible for implementation of the BMP Plan have been properly trained.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:	**Title/Company:**
Print Name:	**Date:**

An existing discharger must submit this certification within 90 days of the effective date of this permit. For a new permittee, this certification must be submitted no later than the written Notice of Intent to be covered under this permit. The certification must be submitted to EPA and to the responsible IDEQ office (§I.C.1 of the permit).

Idaho Aquaculture

Quality Assurance Plan

(QA Plan)

Certification

Facility Name:_____

NPDES Permit Number:_____

The QA Plan is complete and is available upon request to EPA and IDEQ.

The QA Plan is being implemented by trained employees.

The QA Plan has been reviewed and endorsed by the facility manager.

The individuals responsible for implementation of the QA Plan have been properly trained.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:	**Title/Company:**
Print Name:	**Date:**

An existing discharger must submit this certification within 90 days of the effective date of this permit. For a new permittee, this certification must be submitted no later than the written Notice of Intent to be covered under this permit. The certification must be submitted to EPA and to the responsible IDEQ office (§I.C.1 of the permit).

Appendix G

Annual Report

Contents

ANNUAL REPORT OF OPERATIONS FOR YEAR_____

Idaho Fish Processors Permit

I. Facility Name:	**NPDES #**
Operator Name (*Permittee*):	**Phone:**
Address:	**Fax:**
	E-Mail:
Owner Name (*if different from operator*):	**Phone:**

II. Annual Production:

Number of pounds of fish processed in the year **_____ pounds**

III. Noncompliance Summary.

Include description & dates of noncompliance, the reasons for such incident, and the steps taken to correct the problem. Attach additional pages, if necessary.

IV. Best Management Practices (BMP) Plan

BMP Plan has been reviewed this year? ***Yes*** ***No***
BMP plan fulfills the requirements set forth in the permit: ***Yes*** ***No***
Summarize changes in the BMP Plan since last annual report:

V. Land application of solids and irrigation with wastewater

Maps of Application Sites are attached

Date	Location and Acreage of Application	Solids Applied in Pounds	Wastewater Applied in Gallons
	Yearly Total		

V. Chemical Usage (Including pesticides and drugs)

Date	Chemicals used, number of days used, and maximum concentration in effluent.
Yearly Total	

VI. Inspections and Repairs for production and wastewater treatment systems

Date Inspected	Date Repaired	Description of system inspected and/or repaired

Signature & Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure the qualified personnel properly gather and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:	***Title/Company:***
Print Name:	***Date:***